THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO: 16794 of 2005

DATED:03.08.2005

Between:

G. Sreenivasulu Reddy, S/o.G.Konda Reddy,

Aged about 34 years, R/o.1-8-519/7, Cellar,

S.M.R.Arcade Lane, Opp. To chandana Brothers,

Chikkadapally, Hyderabad.

……PETITIONER

AND

1.The Director of Health, Government of

Andhra Pradesh, Sultan Bazar,

Kothi, Hyderabad two others.

……RESPONDENTS

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO:16794 of 2005

ORDER

This Writ Petition is filed by the petitioner aggrieved by the action of the respondents in issuing a second notification calling for tenders without finalizing the tenders received as against the first notification and without even canceling the first notification.

According to the petitioner, he is one of the tenderers, who submitted his tender against the notification issued by the first respondent, dated 24.1.2005, but however, without finalizing the tenders received as against the said notification, the respondents have issued another notification, dated 18.7.2005 calling for fresh tenders. Therefore, the petitioner has come up with the writ petition questioning the illegality committed by the respondents in issuing the second notification without canceling the earlier notification.

At the time of hearing, on behalf of the respondents it is stated that it is only after cancellation of the first notification that the respondents have issued the fresh notification, dated 18.7.2005 calling for the tenders. It is also asserted on behalf of the respondents that a communication as to the cancellation of the earlier notification was given to the petitioner and the petitioner was also asked to collect the Earnest Money Deposit, which he had submitted along with his tender, but, however, the petitioner did not approach the respondents for collection of the tender notice. In fact, it is stated that the petitioner also submitted his tender with reference

to the second notification issued by the respondents and therefore, there is no merit warranting interference of this Court.

Heard both sides. Considered the material available on record.

The original notification issued on 24.1.2005 was cancelled basing on the recommendations of the committee constituted for finalization of the tenders. Therefore, the tender notification itself is cancelled and the fresh notification has been issued. With reference to the fresh notification, even the petitioner has submitted his tender. Though it was contended that in view of the stipulations incorporated under the second notification, the petitioner is not eligible to submit his tender, when he has submitted his tender, it is not open to the petitioner to assail the cancellation of the first tender. In fact, the petitioner approached this Court on the premise that the first notification was not cancelled, but in view of the subsequent material placed by the respondents, as the first notification, dated 24.1.2005 was cancelled, the petitioner cannot have any grievance.

In view of the above circumstances, the Writ Petition is devoid of merits and the same is accordingly dismissed.

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S. ANANDA REDDY,J

03rd AUGUST, 2005

tsr.